

MAY 04 2006

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

BP WEST COAST PRODUCTS LLC, a
Delaware limited liability company

Plaintiff - counter-defendant - Appellee

v.

JASBIR S. TUNG, an individual dba Tung
ARCO AM/PM

Defendant - counter-claimant - Appellant

No. 04-55491

D.C. No.CV-02-01095-VAP

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Virginia A. Phillips, District Judge, Presiding

Argued and Submitted December 8, 2005
Pasadena, California

Before: PREGERSON, COWEN,** and THOMAS, Circuit Judges.

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** The Honorable Robert E. Cowen, Senior United States Circuit Judge for the Third Circuit, sitting by designation.

On May 1, 2006, we filed a published opinion in B.P. West Coast Products LLC v. May, No. 05-15076. The issues raised in this matter are substantially adjudicated in that case, and for the reasons set forth therein, the order of the district court in this matter will be affirmed.

AFFIRMED.